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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/613,313	07/07/2003	Randy W. Strait		4254

7590 09/30/2005

Davis Chin  
Law Offices of Davis Chin  
10281 West Lincoln Highway  
Frankfort, IL 60423-1279

EXAMINER

NEWVILLE, TONI E

ART UNIT	PAPER NUMBER
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3671

DATE MAILED: 09/30/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/613,313

Applicant(s)

STRAIT, RANDY W.

Examiner

Toni Newville

Art Unit

3671

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-8 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-2 is/are rejected.
- 7) ☒ Claim(s) 3-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 07 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_.

## **DETAILED ACTION**

### ***Drawings***

1. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application, see PTO-948. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

### ***Specification***

2. The disclosure is objected to because of the following informalities: page 4 line 13, a space should be inserted between "bar" and "10".

Appropriate correction is required.

### ***Claim Objections***

3. Claim 2 is objected to because of the following informalities: the limitation "second elongated slip hitch support member" recited in lines 9 and 10 has no antecedent basis; no reference is made to a first elongated slip hitch support member. It appears that the limitation should read, "second elongated slip hitch member", and the claim will be interpreted as such. Appropriate correction is required.

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***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless —(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1 and 2 are rejected under 35 U.S.C. 102(b) as being anticipated by Kirchell, US 6354025.

Regarding claim 1, Kirchell discloses a slip hitch assembly for a snow plow (100) having a snow plow frame (126), said slip hitch assembly including:

Slip hitch support means for supporting an elongated slip hitch member (140) thereon for limited reciprocal movement upwardly and downwardly relative thereto as said snow plow (100) is moved upwardly and downwardly, including said elongated slip hitch member (140), said elongated slip hitch member (140) mounted on said slip hitch support means for reciprocal movement upwardly and downwardly relative thereto as said snow plow moves upwardly and downwardly, said elongated slip hitch member (140) including connecting means (106) for connection to a forward drive vehicle during its snow plowing operation.

Regarding claim 2, Kirchell further discloses the slip hitch support means comprising:

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A first slip hitch support frame (132) secured to said snow plot frame (126), said elongated slip hitch member (140) mounted on said slip hitch support means for reciprocal movement upwardly and downwardly relative thereto as said snow plow (100) moves upwardly and downwardly comprises a first elongated slip hitch member (140) being mounted for said reciprocal movement on said first slip hitch support frame (132), including a second slip hitch support frame (132, on opposite end of plow) secured to said snow plow frame (126) at a location spaced apart horizontally from said first slip hitch support frame (132), a second elongated slip hitch member (140, on opposite side of plow), said second elongated slip hitch member (140) being mounted on said second slip hitch support frame (132) for reciprocal movement upwardly and downwardly relative thereto as said snow plow moves upwardly and downwardly, said second elongated slip hitch member (140) including connecting means (106) for connection to said forward drive vehicle for moving said snow plow (100) forward during its snow plowing operation.

***Allowable Subject Matter***

6. Claims 3-8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

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**Conclusion**

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Toni Newville whose telephone number is (571) 272 - 1548. The examiner can normally be reached on Monday - Friday 8 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas B. Will can be reached on (571) 272-6998. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Toni Newville  
September 26, 2005

  
THOMAS B. WILL  
Supervisory Patent Examiner  
Group 3600